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INSANITY AMONG CRIMINALS.*

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The determination of the relationship which the criminal bears to other members of the human race in regard to his mental development, his responsibility, and his proper treatment, is a matter which closely concerns every citizen, and is daily becoming a subject of more careful study and inquiry among educated men. It is a question which has for its object primarily the protection of society, and incidentally involves the education, reformation, and the safe and suitable custody of the individual so far as such incidental results subserve the main object in view. Criminology is a subject so intimately connected with psychology that it distinctly comes within the scope of the alienist and affords a field which may be profitably investigated. The criminal so often exhibits peculiar anatomical and pathological conditions that he is a creature of interest to the medical profession, and insanity and mental weakness are so commonly discovered in him that he should engage our special attention. The government of Belgium within recent years has appointed three physicians, alienists of high repute, who constitute a commission of psychological medicine for the careful examination of the inmates of the various prisons of that country. Questions arising every day in our own courts concerning the mental condition of persons charged with crime indicate that there is a leavening of insanity which permeates the criminal class more largely than it does the general community. Acts are often perpetrated of such a nature as to create doubts concerning the mental condition of those who commit them, and the query arises would it not be better in such cases for society, and for individuals themselves, if they should be by judicial order confined in hospitals for the insane until such time as in the judgment of a competent tribunal they are fit to be at large rather than to be repeatedly sentenced to penal institutions for short terms and then regain their liberty. A person disposed to crime who is mentally unbalanced should not be treated as an ordinary felon.

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Unsoundness of mind in the criminal, whether exhibited in the various degrees of imbecility or in the different forms of chronic cerebral disease, is very generally a mark of physical and mental degeneracy. It is well known that hereditary influences with this class are especially strong, and that unless tendencies toward defective development are corrected by early training and education, by proper methods of living, and by the avoidance of evil habits, individuals and families of degenerate ancestry will further deteriorate and injuriously affect the physical development as well as the intellectual and moral character of the race. Setting aside the inferior types of humanity exhibited in institutions for the care of imbeciles and idiots, there is probably no other special class of mankind wherein mental, moral, and physical degeneracy is more pronounced or wherein these general statements are more broadly applicable than among the convicted inmates of our various penal institutions who suffer from the different forms of mental disease. Taken as a whole, the criminal class exhibits defects both of morals and of intellect, and to an equal degree its members in early youth show evidences of incomplete and imperfect physical development. Forty-one per cent of the inmates of three great prisons in the State of New York, containing a population of over three thousand seven hundred men, were under the age of twenty-five years when convicted. So prominent is this matter of degeneracy that some distinguished students of the subject have asserted that even the sane criminal is a pathological product, and scholars have endeavored to establish a type, assuming by certain bodily signs and fixed anatomical relations determined by measurement to assign limitations within which a man is arbitrarily stamped a criminal. It is true, as a class criminals are defective, but it can not be admitted that there is any physical condition of which it can with certainty be predicated that every subject thereof is of necessity and without choice a criminal. Crime is a complex product, not only of heredity, with its entailed physical disabilities, but also of environment, including evil examples and bad training; and the subject of it, if of sound mind, bears a responsibility for his acts, and must suffer the consequences. Natural, spiritual, and civil laws all entail penalties for those who break them, and the violators must abide the results. Natural law is most remorseless in its operations. Civil laws, though not so certainly retributive, are yet attended by penalties. The insane criminal suffers from all. A well-balanced mind in a healthy body is able to comprehend in a

general way the operations of law in its relation to society, and to grasp the consequences of its violation, not only specifically as relating to his own individuality, but from an abstract point of view in relation to others, and as a rule naturally refrains from infractions. Degenerate or defective man, from whatever causes his deficiencies arise, has less discernment, greater temptations, and less will-power to resist them, and consequently more often falls into the commission of crime and is deprived of his liberty. If we find such people leading an evil life, they should not only be placed in custody, but their degenerate condition should further operate as a bar to their discharge. The average convict in many ways, either physically, educationally, or morally, falls below the standard of normal man ; many of them in fact become insane and many more walk on the border line.

The forms of insanity affecting convicts admitted to the Matteawan State Hospital are of peculiar types when compared with those found among the general admissions to civil hospitals for the insane. It is very seldom that acutely maniacal states are witnessed; such cases are exceptional. Usually the mental disturbance is of a quiet form, sub-acute or chronic in its nature, unattended with noisy demonstrations or exhibitions of motor excitement, and very often is associated with arrested physical or mental development.

As a class, patients received at the Matteawan State Hospital from penal institutions, although they often ask for work, yet dislike to apply themselves to labor continuously, or to practice self-denial in any way. They are seldom actively industrious, or capable of assiduous and intelligent labor. They are prodigal in their ideas of living, and having very little foresight beyond the present, they are not thrifty. While they suffer as a result of their own acts, they are inclined to believe themselves wronged, and victims of injustice. The aspect of their mental disease, in many cases, seems to be a development along these lines, and is attended with an intensification of their feelings of personal grievance or injury. In prison, while undergoing sentence, they become secretive and suspicious, and soon come to cherish fixed beliefs that the officers are oppressing them, that their fellow-convicts are hostile to them and are conspiring against them, that their food is poisoned, and that they are to receive bodily harm or be put to death. Hallucinations of hearing and ideas of persecution are extremely common phases of their disease. While these delusions may be very pronounced and fixed, and often provoke the patient to commit

attacks upon others, they seldom lead to maniacal outbreaks, but are usually systematized, although in a primitive way, and are of a quiet character. Such cases retain their reasoning faculties to a large degree, and are apt to become incorrigible and rebellious, and to make premeditated assaults in order to protect themselves from fancied harm or to procure revenge for imaginary insults. These assaults are both well considered and malicious, oftentimes, as much so as the acts of the sane. In many instances this class of the insane fraternize and sympathize with each other, and the old adage that there is honor among thieves finds a quite general expression as well among the insane belonging to the criminal class, as they are unwilling to inform against each other. It is this fact which renders a large proportion of them dangerous, and their fraternal feelings account for the disposition of convicts who become insane to combine and to conspire with others, and to promote violent attacks and cunning schemes to effect escape from custody. The insane burglar, highwayman, thief, or robber is as fully capable of exercising his natural propensities and his peculiar talents as is the insane mechanic or artisan in the ordinary insane hospital, who, in the pursuit of his trade, occupies himself usefully to his own benefit as well as to that of the institution wherein he may be placed. All those commendable qualities of the heart and mind which are commonly found among the chronic insane are replaced in the criminal by habits of thought and action of an opposite character, and which require on the part of officers in criminal asylums constant espionage for their repression. Weapons of various patterns and all manner of harmful instruments to do bodily injury, as well as implements to aid them in efforts to escape, and which they are very shrewd in concealing, are constantly found manufactured from every conceivable material. There is a strong leavening of criminality in such a population, and unless carefully watched its members are dangerous in their proclivities.

We have stated that the forms of insanity observed are generally of simple types and they are accompanied with a paucity of ideas. Delusions are not apt to be varied or to assume much complexity or intricacy, and do not manifest themselves either ideationally or pictorially to such a degree as among more highly educated and intellectual people. In describing their hallucinations they usually complain that fellow convicts jeer at them, apply opprobrious epithets, or utter slanderous remarks, or that sounds are made to annoy them. Hallucinations of this nature and delusions of persecution based

upon them are exceedingly common. A majority of these patients are of a low order of intelligence, in whom confinement in prison has developed their morbid condition of mind.

An important factor in relation to this subject is lack of education, even in the simple branches; and still another is the element of intemperance. The influence of degenerate parents of foreign birth is also a very potent cause in the production of insane criminals. Out of about twelve hundred convicted cases admitted to the Matteawan State Hospital during the past thirty-four years, the records show that 10 per cent were wholly without education; 6 per cent could read only; 45 per cent could read and write, and only 30 per cent had received a common-school education. In a certain percentage the facts were not definitely ascertained. The parents of upward of 65 per cent were both of foreign birth. In 46 per cent there was a history of positive intemperance. Many of these people have not sufficient intelligence to be susceptible of much education; in others there seems to be a lack of moral fibre or stamina which would preclude them from exercising the necessary application required to obtain an education, even were the opportunity offered. They have all had a trial before a jury, and it might be said have been judicially pronounced sane; and while this opinion may not formally have been declared, yet it has tacitly been implied from their having been found responsible for their acts and sentenced accordingly. The fact that a sentence has been imposed by the court after an examination both of the individual and of his offense, and after a fair trial has been granted, would indicate it was expected that after the expiration of his time the convict should return from the prison to the society of the outer world. The mild form of mental disturbance developed in confinement soon subsides after arrival at the hospital, but the inherent mental weakness is permanent. Both the patient and his friends consider that after his delusions have passed away he is as well as ever he was, and yet if discharged the result would probably be, and usually is, a return to prison, so that it frequently becomes a question, even after the patient has dismissed his delusions and apparently regained a condition normal to his previous health, whether he is a proper subject to be thus returned and to be placed in position to regain his liberty upon the expiration of his sentence, or whether he should be permanently detained as a defective person or, in other words, as a lunatic. Some of these criminals, speaking from a medical point of view, are no longer insane, in the strict meaning of the

term, but they are in a condition which is recognized as unsoundness of mind ; that is, they are imbeciles or weak-minded creatures, easily swayed, prone to vicious acts, evil practices and habits, with little knowledge and little capacity for acquiring it. They are not amenable to prison discipline and are incorrigible. Solitary confinement in the dark cell of the prison soon unnerves them and unhinges their already feeble mental powers. Corporal punishment is said to be often corrective, without the evil effects upon the mind of solitary confinement. If discharged they become recidivists. Their lack of mental development should require that upon their second conviction they should be confined upon an indeterminate sentence at a reformatory or be placed, in many cases, as permanent inmates of a criminal asylum. One brief example will illustrate : A young convict whose short stature, facial expression, and cranial development, as well as speech and actions, indicated a degree of imbecility, was committed for epilepsy. He had previously been an inmate of poor-houses and penitentiaries, and came to us from prison to be treated for his convulsions. After he was received in the Matteawan State Hospital he was charged with shamming, and acknowledged that he had long practiced it. He has not now had an attack of epilepsy for two years. His intelligence is of low grade, he can not read or write, is disposed to petty thefts, hoarding miscellaneous articles and bulging his pockets with rubbish. Among other things he collected five or six hundred empty thread-spools, strung them and hung them in the hose tower. In certain directions he is useful, but in many ways he is a nuisance, and occasionally, in order to control him, has to be taken from his work and temporarily placed upon the ward. It is a problem often to know what disposition to make of such and similar cases. A brief sentence does not subserve any useful purpose. The subject receives but a short term at the utmost, which is often made still less by commutation, and is then allowed his freedom. His stay in prison is rather detrimental to him morally, nor does it act as a deterrent upon others. The feeling usually aroused is that a wrong has been done and justice scandalized in convicting him. In all such cases a judicial inquiry should be held and the character of the mental unsoundness of such offenders should be fully set forth, and by order of the court they should be placed in some asylum, there to remain permanently. This would prevent an annual exodus from the prisons of men unfit to be discharged, and who only swell the criminal ranks when freed. A cursory examination of many of them would reveal their mental defects.

In the interests of good government there should be restrictions placed upon the personal liberty of imbeciles, of all grades, with criminal propensities, greater than that imposed by definite terms of imprisonment.

There is also a certain proportion of cases, not large perhaps compared with the total prison population, yet constituting a considerable number of those transferred from the penal institutions to the Matteawan State Hospital, who were naturally possessed of average endowments, both physically and mentally, but who were evidently insane at the time of their conviction, and whose crime was the product of their insanity. Such persons always have been, and instinctively would remain, law-abiding were it not for the promptings of insane delusions. The mental condition of these convicts is not taken into consideration with enough frequency at the time of trial. Cases often come to us from the prisons in which it is astonishing that the insanity could have escaped detection at the time of their trial, and who should have been committed to a hospital upon an order detaining them therein until sane. Instead of having been held responsible and sentenced for short periods, they should not have entered prisons at all. Many such cases occur annually; and although they can not be said to be numerous, yet they constitute a considerable number. They are not of the criminal class as a rule, although a few of them are. The contrast is striking between these patients of previous reputable character arrested and confined for crimes committed while insane, and those convicts who become insane after conviction and while undergoing sentence and imprisonment. This class distinction has been noticed and commented upon, not only in this country but abroad. Among the convicted cases these persons form an accidental group and their acts can hardly be called criminal. It is important from many points of view that the mental condition of every one who commits a crime should be thoroughly understood in courts of law. This would be plainly apparent in the majority of cases, but in many others it is evidently not the subject of inquiry. In some cases the conviction has been the result of incompetent or conflicting medical testimony. Medical experts should be summoned by the courts and paid by the courts and thus be freed from any suspicion of partisanship. The antecedents of every criminal, particularly of foreigners, if not known to the police, should be thoroughly investigated. Even a plea of guilty should not be accepted until their past history has been ascertained. There are many imbeciles, people of defective men-

tality, and some who are even insane, arrested for various criminal acts, which are the product of their mental condition and whose history would show that they have been previously inmates of insane asylums, reformatories, jails, and prisons abroad, and who have either been aided to reach the United States by civil authorities or assisted by friends, with the connivance of similar officials, in order to rid their native land of the burden of their support. Some of them wander about this country for months and are arrested as tramps or for minor crimes. They should not be convicted or placed in our asylums, but should be at once transferred to their native soil; the authorities in their own country should be notified of such return, or such other proper steps be taken as would not only prevent their ever reappearing here, but preclude the occurrence, if not wholly yet so far as possible, of similar immigrations in the future. Our laws are gradually becoming so framed that it is growing more difficult, although the difficulty is not great, for such people to enter our ports; and it should be the duty of every American citizen, particularly those whose position enables them to obtain knowledge on this subject, to ascertain facts in the previous history of the insane and criminal classes which should exclude them from our public institutions and place the burden of their support upon their own country, where it rightfully belongs. A few criminal cases of this kind returned would give prominence to the fact that such immigrants are not desired here and would tend to dry up the source whence come not only themselves, but hundreds of other young persons whose cases are never reached by the law, who never enter our insane asylums and yet who procreate and fill our institutions with their children. Safeguards should be erected with great care so as to effectually exclude the insane, the feeble-minded, and those having criminal propensities. Only immigrants of thrift and character who are in good physical health should be welcomed, otherwise we must suffer from the results of their lives, which are often worse than death in their effects upon the mental, moral, and physical condition of their offspring, entailing a vast burden upon society, upon the taxpayers, and upon the government.

The mental condition of those condemned for capital offenses to either death or to life imprisonment, is an interesting one. It is not denied that many who are sane take the lives of their fellow-men; yet it is significant that among the "life men" in our prisons there is a very great proportion of insanity. The question arises as to

whether in trials for such offenses the prisoner's soundness of mind was thoroughly investigated. It is true that the monotony of prison life and methods of discipline, the weight of a long sentence and remorse may have a tendency to develop insanity, and yet it can not altogether account for the wide prevalence of mental disease. In many cases the subsequent history shows that it must have been present when the act was committed. It is a fact that among "life men" insanity is exceedingly prevalent; out of 196 life convicts in the State of New York, thirty-three, or 17 per cent, are inmates of the Matteawan State Hospital. As a rule their mental condition is either one of melancholia, with great dejection and depression of spirits, or a condition of mild mental disturbance attended with delusions of persecution. Many of them at the Matteawan State Hospital have now reached the stage of terminal dementia. This proportion would show a still larger percentage were it not for the fact that a few years ago, on account of overcrowding, and in order to create room for admissions, several such cases were pardoned and transferred to the custody of the county authorities, and by them committed to other State hospitals. As a class they are peculiar, and are superior mentally and physically to the average criminal. They are possessed of better morals, and naturally are freer from vicious propensities, and in many cases their misdeed was the single criminal act of their lives. A number of them were undoubtedly lunatics at the time of the commission of the acts for which they were convicted, but many of them become insane in prison, suffer from a hopeless regret for their crimes, and fall into quiet, subdued melancholia.

The public appears to sanction the opinion, erroneously I believe, that insanity is frequently pleaded as a fraudulent defense for crime, particularly in capital offenses. In only an extremely limited sense this may be so to the extent that a few isolated instances may have occurred. On the contrary, insanity in all classes of criminals is too often overlooked, or when recognized the popular desire is to hold them both sane and responsible. This is not a proper sentiment. Like the sequestration of contagious disease, the object sought should be the common welfare of the community. In the case of minor crimes, if it appears that the perpetrator is an imbecile, or what is popularly termed a "crank," let the grounds for such an opinion be stated in the commitment papers, and an order made forbidding his discharge so long as such conditions continue to exist. As it is now, a sentence definite as to a term

of months or years seems to satisfy the people. The old idea of retributive justice prevails; an eye for an eye, a tooth for a tooth. The populace is, and always has been, anxious for blood. If, however, a careful determination of each prisoner was undertaken with a view to his proper disposition or his commitment to some permanent and safe custody, so long as he was dangerous to society, many insane and pauper aliens illegally landed would be returned to foreign countries; many other habitual criminals now sent to prison or penitentiaries for short terms would be adjudged insane or even pronounced incurable by reason of natural defects, and the judge's order might so recite, thus practically committing the latter class for life to a hospital for the insane, and permanently ridding society of many dangerous and undesirable elements.

